

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS—EASTERN DISTRICT**  
**DIVISION ONE**

JOAN P. BIALCZAK,	)	No. ED103315
	)	
Respondent,	)	
	)	
vs.	)	Appeal from the Circuit Court
	)	of St. Louis County
	)	10SL-DR06490-01
	)	
KENNETH J. BIALCZAK,	)	Honorable Douglas R. Beach
	)	
Appellant.	)	FILED: June 30, 2016

Kenneth J. Bialczak (Father) appeals from the judgment modifying a decree of dissolution originally entered on May 24, 2013. On May 11, 2015, the trial court entered its order granting in part and denying in part the parties' motions to modify the original decree. On July 28, 2015, the trial court entered its "Judgment/Ruling on Post-Trial Motions" modifying in part and affirming in part the modification judgment entered on May 11, 2015.

**AFFIRMED IN PART; REVERSED IN PART.**

Division One Holds: The provisions of the amended judgment relating to prospectively applying contempt fines without determination of a good cause defense violate the statutory provisions of Section 452.400.6 RSMo 2000.<sup>1</sup> Consequently, Father's Point IV is granted and the corresponding portion of the amended judgment is voided. In all other respects, we affirm the judgment in a separate unpublished opinion.

Opinion by: Mary K. Hoff, J.  
Robert G. Dowd, Jr., P.J., and Roy L. Richter, J., Concur.

Attorney for Appellant: James J. Leightner

Attorney for Respondent: Tim R. Schlesinger  
Alan E. Freed, Co-counsel

<b>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</b>
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<sup>1</sup> Unless otherwise indicated, all further statutory references are to RSMo 2000 as amended.